UNITED
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Security Council

Distr.
GENERAL

S/1997/980
16 December 1997

ORIGINAL: ENGLISH

LETTER DATED 16 DECEMBER 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your report on the situation in Sierra Leone (S/1997/958).

In consultations on this matter, the members of the Security Council expressed support for the proposal by the Secretary-General to reopen his liaison office in Freetown, subject to security and budgetary conditions. Likewise, the members of the Council supported the proposal to send a technical team to examine the situation on the ground and to offer recommendations on the role that would be played by the United Nations in implementing the Conakry Agreement.

(Signed) Fernando BERROCAL SOTO
President of the Security Council

97-36913 (E) 161297

UNITED
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Security Council

Distr.
GENERAL

S/1997/981
16 December 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF SAUDI ARABIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith the text of a statement issued on the morning of 16 December 1997 by the Government of the Kingdom of Saudi Arabia. This statement concerns the measures to be taken to transport pilgrims from the Libyan Arab Jamahiriya and the Republic of Iraq this year, A.H. 1418, and in the years to come, as well as the schedule of flights to be arranged by a third party for the transport of pilgrims from those two countries. I shall transmit that schedule at a later date.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Gaafar M. ALLAGANY
Ambassador Extraordinary
and Plenipotentiary

97-36919 (E) 161297 161297

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Annex

Statement

As the pilgrimage season approaches, the Kingdom of Saudi Arabia, wishing to facilitate the transport of pilgrims from the Libyan Arab Jamahiriya and Iraq this year, A.H. 1418, and in the years to come, plans to take the necessary measures to ensure that the pilgrims are able to undertake the pilgrimage in conditions of full safety and security. A schedule of flights will be arranged for the transport of Libyan and Iraqi pilgrims by a third party, within the quotas set for those two countries.

The Kingdom of Saudi Arabia would like to point out that, within the quotas for the various countries concerned, it cannot prevent anyone wishing to make the pilgrimage or the Umra from visiting the holy places. On the contrary, it is incumbent on Saudi Arabia to facilitate their visit in conditions of safety, security and stability. The Kingdom of Saudi Arabia therefore hopes that the authorities implementing Security Council resolution 748 (1992) concerning the Libyan Arab Jamahiriya, in particular paragraph 4 (a), and resolutions 661 (1990) and 670 (1990) concerning Iraq will approve the measures to be adopted and will not take any action to impede them.

UNITED
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Security Council

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S/1997/982
16 December 1997

ORIGINAL: ENGLISH

NOTE VERBALE DATED 11 DECEMBER 1997 FROM THE PERMANENT MISSION OF PORTUGAL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Portugal to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to resolution 1132 (1997) adopted by the Security Council on 8 October 1997, wishes to advise that appropriate national measures have been taken by the Government of Portugal in order to give effect to the provisions set out in paragraphs 5 and 6 of that resolution, and that it looks forward to receiving the list of persons to be designated by the Committee, according to paragraph 10 (f) of the same resolution.

97-36937 (E) 161297

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/983
16 December 1997

ORIGINAL: ENGLISH

NOTE VERBALE DATED 12 DECEMBER 1997 FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Chapter VII of the Charter and resolution 1132 (1997), which was adopted by the Security Council on 8 October 1997, has the honour to communicate that:

(a) The embargo on arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, has been implemented by the competent Austrian authorities;

(b) A regulation aiming to prevent the sale or supply to Sierra Leone of petroleum and petroleum products has been adopted and is being implemented in the framework of the European Union;

(c) The implementation by the competent Austrian authorities of the visa restrictions will be based on the respective list of persons to be issued by the United Nations Sanctions Committee.

97-36943 (E) 161297

UNITED
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S/1997/984
16 December 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 82
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fifty-second year

Letter dated 12 December 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of a letter dated 12 December 1997 from the President of the Federal Government of the Federal Republic of Yugoslavia, Dr. Radoje Kontic, addressed to the President of the Security Council.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 82, and of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

97-36972 (E) 161297

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ANNEX

Letter dated 12 December 1997 from the President of the Federal Government of the Federal Republic of Yugoslavia addressed to the President of the Security Council

I am writing in connection with the question of Prevlaka, which, at its core, is a territorial dispute between the Federal Republic of Yugoslavia and the Republic of Croatia. It is known that the dispute is the subject of bilateral negotiations, regulated by the relevant resolutions of the Security Council, including resolution 1119 (1997), and article 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia.

Despite the efforts made on the part of the Federal Republic of Yugoslavia, no significant progress in the direction of reaching a solution to this territorial dispute has been made thus far. The basic impediment to the quest for a solution is the lack of readiness on the Croatian side to solve the dispute through negotiations, as well as its attempts to prejudge the solution by resorting to unilateral acts and violations of the demilitarized zone.

The Yugoslav side has informed the Security Council and the Secretary-General of the situation several times, while appropriate data have been forwarded to the United Nations Mission of Observers in Prevlaka (UNMOP) in the field. Unfortunately, despite the clear requests by the Security Council in its resolution 1119 (1997) and the obligations from the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the Croatian side continues to violate the regime on Prevlaka.

The Croatian military continues to be deployed in "blue" and "yellow" zones, in which a few hundred military troops, as well as police officers, are actively engaged. Occasional military exercises in the immediate vicinity of the demilitarized zone, as well as incursions into the zone by military and police vehicles and vessels, are not only serious violations, but also create a climate of insecurity which does not facilitate the strengthening of confidence-building measures and the quest for a peaceful solution. The statements of the highest-ranking Croatian officials, as well as the activities of local authorities, promoting various projects aimed at affirming the policy of fait accompli by way of building a tourist resort on Prevlaka, are made with the same goal in mind.

The Federal Republic of Yugoslavia has shown consistent respect for the demilitarized area on Prevlaka and for the provisions of the Security Council resolutions relevant to that issue. Accordingly, it has rendered full support to, and has cooperated with UNMOP. The Federal Government of the Federal Republic of Yugoslavia has accepted the invitation of the Security Council in resolution 1119 (1997) and has adopted almost all the practical options proposed by the United Nations military observers related to their security and freedom of movement, as well as to security in the area of Prevlaka as a whole.

Bearing that in mind, as well as the situation in the field, the Federal Republic of Yugoslavia considers that, in order to preserve security and strengthen the atmosphere of confidence, it is necessary that the decisions of the Security Council be fully complied with. We expect the Security Council to extend the mandate of UNMOP after 15 January 1998 and to keep the United Nations military observers in place until a mutually acceptable solution to the territorial dispute on Prevlaka has been found through bilateral negotiations.

(Signed) Dr. Radoje KONTIC

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Security Council

Distr.
GENERAL

S/1997/985
16 December 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour, on orders from my Government, to request you to convene the Security Council in order to discuss recent events which have once again plunged the Democratic Republic of the Congo into mourning and threaten peace and stability in the Great Lakes region. In this regard, I request the Security Council to consider the possibility of setting up a commission entrusted with the task of investigating the massacres in Mundende (Rwanda), Masisi and Rutshuru.

According to information that we received from the refugee camp in Mundende, the unspeakable attack that took place on the night of 10 to 11 December 1997 caused more than 1,643 deaths, the serious wounding of 237 persons and the disappearance of more than 1,150 persons. Various accounts provided by witnesses in this regard indicate that the attackers were apparently for the most part elements of the former Rwandan armed forces and the Interahamwe armed militias. Most of the victims are Congolese who had been driven out of the region of Masisi and from Rutshuru by death squads. These are the same armed elements that were behind the recent attack against the Congolese village of Bukavu.

At a time when the United Nations commission investigating alleged massacres of Rwandan refugees is on site in Congolese territory, my Government is filled with indignation at the silence on the part of the international community in the face of these further massacres.

My Government, moreover, points out that the international community is, in actual fact, investigating individuals who claim to be refugees during the day, but who become real fighters at night and do not hesitate to commit the most heinous crimes against the Congolese population. These perpetrators of genocide are already guilty of the massacre of 147 innocent victims in Mundende last August, which did not in any way move the international community.

As a result of this, the situation which currently prevails in the Democratic Republic of the Congo is becoming rather tense. Proof of this is the

discontent among the people living in Mbandaka and Wendji, who have been demonstrating against the perception that the United Nations is coming to protect the perpetrators of the genocide, who created the insecurity in their area and who have no compunction whatsoever about murdering their Congolese countrymen in cold blood.

My Government, which has already expressed to the Security Council its firm intention not to avoid any sacrifice in order to ensure that its people live in peace, tranquillity and security, considers, nevertheless, that the insurrectionary situation which is being created in Equateur province because of the United Nations will be difficult to control and may even turn against the Government and that, because of this, it would be the task of the Congolese Government to take all appropriate and necessary measures to restore peace and harmony in the province in respect for the will of the people who inhabit it.

In order to prevent any destabilization that might occur in the Democratic Republic of the Congo as a result of activities by elements of the former Rwandan armed forces and the Interahamwe armed militias, my Government calls upon the Security Council to assume fully its responsibilities and establish a favourable atmosphere for restoring security and tolerance in the Great Lakes region.

I ask the Security Council to consider the request by the Government of the Republic of the Congo concerning the establishment of a commission to investigate the massacres in Mundende, Masisi and Rutshuru.

I should be most grateful if you would have this letter issued as a document of the Security Council.

(Signed) André M. KAPANGA
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

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GENERAL

S/1997/986
17 December 1997
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 16 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States aircraft continued between 11 and 14 December 1997 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

Your intervention is requested with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-37239 (E) 181297 181297 191297

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Annex

Violations of Iraq's airspace and damage caused, 11-14 December 1997

1. In the northern region 66 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Zakho, Irbil, Tall Afar, Baibo, Rawanduz and Atrush.

2. In the southern region 282 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Afak, Salman, Busayyah, Qurnah, Chabaish, Shinafiyah, Kut, Nu'maniyah, Ali al-Sharqi, Ali al-Gharbi, Rifa'i, Rumaythah, Habbariyah, Rahhaliyah, Khidr, Basrah, Hayy, Shatrah, Taqtaqanah and Amarah.

3. Three sorties were made by TR-1 reconnaissance aircraft flying at an altitude of 20,000 metres and at a speed of 600 kilometres per hour.

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S/1997/987
17 December 1997

ORIGINAL: ENGLISH

LETTER DATED 17 DECEMBER 1997 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the wishes of the Council, I visited Baghdad from 12 to 16 December 1997. I was accompanied by my Deputy, Mr. Charles Duelfer, and three Commissioners, Mr. Gennady Gatilov (Russian Federation), Mr. Michel Saint-Mleux (France) and Mr. Paul Schulte (United Kingdom of Great Britain and Northern Ireland) as well as senior officers of the permanent staff of the Commission, New York.

The Iraqi side was led by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by Ministers and senior military and civilian officials responsible for Iraq's proscribed weapons programmes.

Three plenary meetings were held, one on 14 December and two on 15 December. In addition, there were two technical-level meetings held between the Commission's experts and their Iraqi counterparts.

This visit took place with the full support of the members of the Security Council, as expressed by the President following informal consultations on 8 December 1997, and within the mandate set out in the statement by the President of the Council of 3 December 1997 (S/PRST/1997/54). In that statement, the Council, inter alia, stressed that the effectiveness and speed with which UNSCOM may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting UNSCOM unimpeded access to all sites, documents, records and individuals relevant to its work.

In accordance with the wishes of the Council, I sought assurances from the Government of Iraq that it would grant the Commission immediate, unconditional and unrestricted access to all sites the Commission wished to inspect and, to obtain greater clarity on Iraq's understanding of its obligations in this regard. I also sought to arrive at an agreement on an accelerated programme of work on outstanding issues in the various proscribed weapons areas within the

mandate of the Commission. Another goal was to arrive, with the help of the Commission's visiting and resident monitoring teams, at an evaluation of the situation concerning the removal, return and possible proscribed use of dual-use equipment under monitoring by the Commission during the period in which Iraq prevented the Commission's teams from carrying out their tasks.

A report on the outcome of this visit to Baghdad is attached. I should be most grateful if you could bring this letter and the attached report to the attention of the members of the Security Council.

(Signed) Richard BUTLER

Annex

Report on the visit to Baghdad from 12 to 16 December 1997 by the Executive Chairman of the Special Commission established by the Secretary-General under paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I. INTRODUCTION

1. The discussions were divided, initially, into two parts: policy and technical.

2. The policy discussions focused on access by UNSCOM to sites, documents and persons relevant to Iraq's programmes on weapons of mass destruction and related issues in the fields of disarmament and ongoing monitoring and verification.

3. The technical discussions were focused on the subjects nominated by the Executive Chairman in his letter of 29 October 1997 to the Deputy Prime Minister, namely, missile warheads, the chemical agent VX, munitions filled with mustard and the overall area of biological weapons.

II. POLICY DISCUSSIONS

4. The Executive Chairman opened these discussions by recalling relevant resolutions of the Security Council and the report of the emergency meeting of the Special Commission held on 21 November 1997 (see S/1997/922).

5. The Executive Chairman emphasized that he had been sent to Baghdad as the representative of the Council and stressed the very great importance the Security Council placed upon compliance by Iraq with the requirement, laid down by the Council, that the Special Commission should have unconditional access to all relevant sites, documents and persons in Iraq.

6. The Executive Chairman then made two main points based on the experience of the Commission, particularly during the period from June 1996 to the present:

(a) The implementation of the modalities for inspection of sensitive sites had not worked. The Commission had not been able to carry out its work satisfactorily;

(b) Some sites had been put, by Iraq, beyond the scope of those modalities. This development had not been contemplated. It had prevented the Commission from carrying out its work, in all respects, at those sites.

7. With respect to the modalities for inspection of sensitive sites, the Executive Chairman said they needed to be reviewed. Such a review was provided for in the modalities document.

8. With respect to the issue of some sites being declared by Iraq beyond or outside any modalities for inspection, the Executive Chairman said this was a

very serious matter, which needed to be addressed. In this context, he referred to the decision of the Security Council to the effect that Iraq had to allow unconditional access to any site the Commission wished to inspect. He also referred to the acknowledgement by both the emergency session of the Special Commission and the Security Council that the Commission respects the legitimate national security, sovereignty and dignity concerns of Iraq.

9. In reply, the Deputy Prime Minister gave a detailed account of what he saw as the history of the relations between Iraq and UNSCOM. He then said there were, from his Government's point of view, five categories of sites within Iraq:

(a) Normal sites. These included factories, sites belonging to the Military Industrialization Corporation, sites at which prohibited activities had or may have taken place, military warehouses and military camps;

(b) National security sites. These were sites of significance in terms of the security of the State. They included sites of the Republican Guard and the Special Republican Guard, sites of the military and civilian intelligence agencies and security apparatus sites;

(c) Presidential and sovereign sites. These were not clearly defined, except that it was stated that they were areas associated with the Presidency and were well known. They would include sites, offices and resorts at which the Head of State resides and/or works;

(d) Civilian sites and/or private residences;

(e) Foreign sites in Iraq. These included foreign companies, diplomatic offices and residences.

10. In the subsequent discussions, the following clarifications were given by the Iraqi side with respect to access and inspections.

11. Normal sites could be visited and inspected without restriction.

12. Sites of national security significance were those to which the modalities for the inspection of sensitive sites would apply, except for the most secret rooms therein, to which no access would be granted.

13. Presidential and sovereign sites included headquarters but not branches of ministries. All had gates and high walls, but no further clarification was offered. They would not be allowed to be inspected or overflown under any circumstances.

14. Civilian sites could only be inspected if the property owners granted permission. Iraq would be reluctant to ask for that permission because, it stated, it had no legal authority to request such permission.

15. Foreign sites comprised properties or companies owned by foreign entities in Iraq, including Arab international organizations. UNSCOM would have to deal directly with such entities. Iraq wanted no involvement in such matters.

16. On the question of the third of these categories, presidential and sovereign sites, the Executive Chairman noted that the exclusion of such a category from UNSCOM inspections was in contradiction of the decisions of the Security Council. He said he doubted that Iraq's insistence on such sites being excluded from access or inspection by UNSCOM would be acceptable to the Council.

17. The Executive Chairman asked whether Iraq might be prepared to accept special arrangements for inspection of presidential and sovereign sites. These special arrangements could be discussed with the Iraqi side, in order to take into account Iraq's legitimate security, sovereignty and dignity concerns. The Deputy Prime Minister said such an approach could not be accepted. No special arrangements could cover the concerns of the Government of Iraq with respect to this category of site.

18. Given this response, the Executive Chairman asked whether Iraq might be prepared to provide a list or map of such sites to UNSCOM and the Security Council, so that the order of magnitude of this proposed exclusion could be seen. The Deputy Prime Minister said this could not be done because such a map would assist the bombing of those sites by the United States of America. He said if the Executive Chairman could obtain a written guarantee from the President of the Security Council that such bombing would never take place, then a list or map could be provided. He said that the sites were well known to everybody, including local diplomats.

19. The Deputy Prime Minister said he was aware that Iraq's exclusion of the presidential and sovereign sites from UNSCOM inspections might not be acceptable to the Council, but Iraq's position was absolute. The Executive Chairman twice sought affirmation of this position. It was given. In reply to a further question from the Executive Chairman, the Deputy Prime Minister said Iraq's position was justified by and in accordance with the statement of 3 December 1997 by the President of the Security Council, having regard to the reference therein to the respect for the national security, sovereignty and dignity of Iraq.

20. With respect to the second category, sites of significance for national security, the Executive Chairman said there would need to be a significant improvement in the modalities for the inspection of any site Iraq decided to declare as sensitive. He mentioned, in particular, the size of the teams which could enter such sites, delays in obtaining entry, the need for activity in such sites to be frozen immediately upon the sites being declared as sensitive and, the need to ensure the Commission's right to photographic surveillance of the site declared for inspection. The Deputy Prime Minister agreed to an improvement of the arrangements for the inspection of national security sites.

21. Consequently, the Deputy Prime Minister accepted, for the inspection of national security sites, the following:

(a) UNSCOM would increase the size of entry teams beyond the current limit of four persons. The final number of inspectors to enter the sites would be decided, in a case-by-case approach, by the Chief Inspector and the senior Iraqi representative. The size of the team would be proportionate to the size and complexity of the site;

(b) Iraq would take steps to significantly reduce the delay in entry to such sites and the delays which UNSCOM teams often faced at checkpoints on roads to inspection sites;

(c) Immediately upon a site being declared sensitive, the Chief Inspector and the accompanying Iraqi representative ("minder") could enter the site to ensure that movement within it was frozen and, for example, that documents were not burnt or destroyed.

22. The Executive Chairman said these arrangements should be tested straight away and then reviewed in a month or so. In the meantime he would report them to, and seek the advice of, the Security Council. The Deputy Prime Minister agreed to this approach.

23. With respect to civilian sites and private residences, the Executive Chairman expressed reservations about Iraq's claim that it, basically, lacked domestic authority over such sites.

24. The Deputy Prime Minister also made proposals with respect to the conduct by UNSCOM of its helicopter flights. The Executive Chairman agreed to study Iraq's proposals.

25. The Iraqi side also raised the question of whether or not the Commission's U-2 reconnaissance flights might be replaced by Iraqi assets or those of other States. The Deputy Prime Minister said this proposal was made because of Iraq's perception of hostility by the United States towards Iraq. He said such proposals had been made to the previous Executive Chairman and were documented. Those documents were given to the Executive Chairman.

26. In the context of aviation, the Executive Chairman called the attention of the Deputy Prime Minister to those parts of the report of the emergency session of the Special Commission in which reference was made to UNSCOM flying rights, including the use of the airfields at Rasheed (Baghdad) and Basra. The Deputy Prime Minister said he would discuss this issue further during the Executive Chairman's next visit to Baghdad.

27. It was agreed that the Executive Chairman would visit Baghdad again in the week beginning 19 January 1998, at which time, inter alia, the experience of the implementation of the new arrangements for the inspection of National Security sites would be reviewed.

28. The Executive Chairman undertook to report all of this discussion to the Security Council faithfully, emphasizing again that aspects of the Iraqi position, especially those relating to the exclusion of UNSCOM from access to presidential and sovereign sites, might not prove acceptable to the Council. The Deputy Prime Minister agreed to this approach.

III. TECHNICAL DISCUSSIONS

29. In a preparatory discussion, the Executive Chairman and the Deputy Prime Minister agreed that the technical discussions should be focused on the subjects

nominated by the Executive Chairman in his letter of 27 October 1997, subjects in the fields of missile warheads and chemical and biological weapons.

30. At the first technical meeting, only the field of missiles was addressed. The Deputy Prime Minister then called a plenary meeting in order to introduce Iraq's position in all three proscribed weapons areas.

31. At that meeting, representatives of Iraq read four statements, the common element of which was the claim that Iraq had destroyed and/or no longer had any weapons of mass destruction and, where there was disagreement between the Commission and Iraq on these issues of substance, those disagreements should be settled in technical "seminars" with the participation of both international and Iraqi experts. The Commission could continue its normal work, with which Iraq would cooperate fully, and Iraq would, in due course, answer any questions put to it by the Commission, but Iraq would not itself volunteer any new information. It preferred a situation where it would verify the information held by the Commission.

32. The Deputy Prime Minister reiterated that Iraq had already divested itself of all of its weapons of mass destruction. In particular, he stated "for the public record", that the Government of Iraq had made the decision in 1991 to deny and obliterate traces of its biological weapons programme, a decision which the Deputy Prime Minister said was justified on grounds of national security and survival. He also said that "the Government of Iraq possessed not one gram of biological agents, not one gram of biological weapons, in Iraqi Government hands in the territory of Iraq". He said that these were the facts today.

33. In the discussion which followed, the Iraqi side declined the Commission's invitation to develop together an additional joint programme of work in all weapons areas for the months of January and February 1998. It had no objection to action by the Commission towards the objectives outlined and it would answer the Commission's questions, but it would not itself take part in the articulation of a specific programme of intensive work.

34. Iraq's main proposal was to convene technical "seminars" involving international experts to adjudicate Iraq's position on its proscribed weapons programmes, solely on the basis of extant information.

35. Facing the reiteration that Iraq would itself volunteer no further information in any weapons category, the Executive Chairman then turned to Iraq's proposal on "seminars".

36. The Executive Chairman made clear that no arrangement that called into question the responsibility of UNSCOM to the Security Council, its professionalism or objectivity would be acceptable.

37. The Deputy Prime Minister accepted that position.

38. The Executive Chairman then stated that, as part of the verification of specific issues, the Commission would be prepared to conduct technical evaluation meetings with the Iraqi side, on the following basis:

(a) The Executive Chairman would invite qualified and objective international experts to take part and participate in the Commission's team. They would be chosen from the countries having the necessary expertise;

(b) The Commission would prepare a dossier for the team containing all the relevant information. The dossier would be made available to the Iraqi side to enable it to respond to relevant questions at the technical evaluation meeting;

(c) The discussions at the meetings would be conducted in an open and continuous manner in order to enable joint evaluation of technical issues;

(d) The Commission's team would advise the Executive Chairman on its findings as a result of the meetings. The Executive Chairman would then incorporate these findings in appropriate reports to the Security Council and the Government of Iraq.

39. The Deputy Prime Minister agreed to these proposals. He commented that, from his perspective, the international experts would form part of a single UNSCOM side, so that the technical evaluation meeting would be two- and not three-sided. In the event of divided views, it would be for the Executive Chairman to decide what went into his report, perhaps by first putting it to the UNSCOM Commissioners for consideration or advice.

40. It was then agreed that technical evaluation meetings would be scheduled for January 1998 in the areas of missile warheads and the chemical agent VX, with a technical evaluation meeting in the biological weapons area to follow, as soon as practicable.

IV. MOVEMENT AND POSSIBLE USE OF DUAL-USE EQUIPMENT

41. At the third plenary meeting, the Executive Chairman read the following statement with respect to the Commission's preliminary findings on the removal of dual-use equipment under monitoring by the Commission:

> "It is an important task for the Commission to investigate unauthorized removal of equipment and materials under monitoring to ensure that equipment has not been misused for proscribed purposes. The dual-use items and facilities have been placed under monitoring specifically because they have inherent capabilities to be used for proscribed activities. Thus, it follows from this that unauthorized removal of such items has a serious negative impact on effective monitoring.
>
> "The Commission took note of Iraq's statement that all removed equipment had been returned to its original locations. Through inspections that have been accomplished so far, the Commission can confirm that this is indeed the case at the facilities that have been visited. The Commission has found no evidence of proscribed activities at the facilities that have been visited or at the declared evacuation sites. No evidence has been found to date of any misuse of dual-use items, except for one possible case within a chemical facility. This case is currently under investigation.

"The Commission's task and verification work would have been much facilitated if Iraq had provided all information and data on the removal of equipment, as requested in the Commission's letter of 26 November to Iraq. The Commission will continue its efforts to determine if any misuse of equipment and materials under monitoring has occurred."

42. The Deputy Prime Minister was satisfied with this statement. The Iraqi side presented a preliminary explanation of the case within the chemical facility reported by the Commission. The Executive Chairman requested that the Government of Iraq present a full, written clarification of the case, so that the Commission could make a final determination.

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General Assembly
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GENERAL

A/52/738
S/1997/988
17 December 1997
ENGLISH
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GENERAL ASSEMBLY
Fifty-second session
Agenda item 37
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Letter dated 16 December 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's attacks on southern Lebanon and the Western Bekaa and the arbitrary practices against the civilian inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place in November 1997.

1 November 1997

At 0700 hours the abandoned Lebanese Army Barracks in Nabatiyah al-Fawqa came under artillery and heavy-weapons fire from Israeli positions in the border strip.

At 0800 hours outlying areas of Dallafah, Qilya and Zillaya in Western Bekaa district came under Israeli artillery fire. Two men were wounded.

2 November 1997

At 1200 hours the security situation in the Jabal al-Rayhan area of Jazzin district grew tense and clashes took place between men of the Lebanese resistance and Israeli and Lahad militia forces in which all types of weapons were used. A number of artillery shells fell in Rayhan, causing serious damage to homes and injuring a woman.

At 1325 hours outlying areas of Luwayzah and Jarju' came under Israeli artillery fire and Israeli warplanes overflew the Nabatiyah area at low altitude.

At 1410 hours Israeli warplanes overflew Sidon and the nearby camps at low altitude.

5 November 1997

At 1200 hours outlying areas of Kafra, Yatar, Haris, Tibnin and Bra'shit in Bint Jubayl district came under Israeli artillery fire.

At 1900 hours outlying areas of Haris, Haddatha, Kafra and Yatar came under Israeli artillery fire.

6 November 1997

At 1630 hours outlying areas of Yatar, Kafra, Haris, Ayta al-Jabal and Haddatha came under Israeli artillery fire.

7 November 1997

At 1530 hours outlying areas of Arabsalim, Luwayzah, Jarju' and Ayn Bu Siwar, the Mlita and Jabal Safi hills and areas along the Zahrani River came under Israeli artillery fire.

At 2035 hours Israeli helicopters overflew the Mashgharah, Ayn al-Tinah and Maydun plain, the Suhmur and Yuhmur plain and the towns of Libbaya and Qilya in Western Bekaa district and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

10 November 1997

At 1830 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude.

At 1850 hours Israeli warplanes overflew the Damur and Na'imah areas at low altitude and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

11 November 1997

At 0300 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude.

At 1550 hours outlying areas of Arabsalim, Jarju' and Luwayzah came under Israeli artillery fire.

12 November 1997

At 1230 hours outlying areas of Arabsalim, Jarju' and Ayn Bu Siwar and the Mlita and Jabal Safi hills came under Israeli artillery fire. At the same time Israeli warplanes overflew the Nabatiyah area at low altitude.

At 1800 hours outlying areas of Arabsalim, Jarju', Luwayzah and Ayn Bu Siwar and the Mlita and Jabal Safi hills came under Israeli artillery fire. Israeli warplanes also overflew the Nabatiyah area at low altitude.

13 November 1997

At 1730 hours outlying areas of Qa'qa'iyat al-Jisr, Zawtar al-Sharqiyah and Zawtar al-Gharbiyah and areas along the Litani River came under Israeli artillery fire.

15 November 1997

At 0600 hours outlying areas of Jarju', Ayn Bu Siwar, Luwayzah and Arabsalim came under Israeli artillery fire. Several homes were damaged in Arabsalim.

At 1845 hours outlying areas of Jarju', Ayn Bu Siwar and Arabsalim came under Israeli artillery fire.

16 November 1997

At 1100 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

At 1350 hours Israeli warplanes again overflew the Nabatiyah and Iqlim al-Tuffah areas, carrying out mock attacks.

At 2030 hours outlying areas of Haddatha, Haris and Ayta al-Jabal came under Israeli artillery fire.

17 November 1997

At 1000 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude.

At 1820 hours Israeli warplanes overflew Sidon at low altitude.

At 2130 hours Israeli warplanes overflew the Nabatiyah area at low altitude.

At 2230 hours Israeli warplanes overflew the Tyre area at low altitude.

18 November 1997

At 1130 hours outlying areas of Haddatha in Bint Jubayl district came under Israeli artillery fire.

At 1810 hours Israeli warplanes overflew the Nabatiyah area carrying out mock attacks. The overflights continued until 1900 hours.

At 1830 hours Israeli warplanes overflew the Tyre area at medium altitude.

19 November 1997

At 0850 hours Israeli warplanes overflew the Nabatiyah area at medium altitude carrying out mock attacks.

At 0855 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

At 1245 hours Israeli warplanes again overflew the Nabatiyah area at medium altitude carrying out mock attacks.

At 1350 hours Israeli warplanes overflew Sidon and the nearby camps at low altitude and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

At 1400 hours Israeli warplanes overflew the Damur area and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

At 1715 hours outlying areas of Arabsalim, Jarju' and Ayn Bu Siwar and the Mlita and Jabal Safi hills came under Israeli artillery fire.

20 November 1997

At 0915 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude carrying out mock attacks.

At 0920 hours Israeli warplanes overflew Sidon at low altitude.

At 1330 hours the outskirts of Nabatiyah al-Fawqa and its eastern section came under heavy bursts of fire from Israeli forces positions opposite the town. The home of Hasan Isa Ghandur was badly damaged.

At 1715 hours several shells of different calibres fell in outlying areas of Jarju', Ayn Bu Siwar, Arabsalim, Jba' and Luwayzah, the Mlita and Jabal Safi hills and areas along the Zahrani River in the Iqlim al-Tuffah area.

At 2210 hours outlying areas of Libbaya and Qilya came under Israeli artillery fire.

21 November 1997

At 1115 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas at low altitude.

At 2045 hours the vicinity of the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa and the Maslakh neighbourhood in Nabatiyah came under Israeli artillery fire. The bombardment extended to outlying areas of Nabatiyah al-Fawqa, where three shells made a direct hit on the home of Muhammad Salman Jamul.

23 November 1997

At 0630 hours outlying areas of Nabatiyah al-Fawqa and the abandoned Lebanese Army barracks came under artillery fire and bursts of sniper fire from Israeli positions in the border strip. The artillery bombardment extended to the town of Nabatiyah al-Fawqa, where four artillery shells fell on the home of Hasib Musa Ghandur and a nail-filled projectile fell on the home of Nabil Ali Ulw. Serious damage was done to both houses. Israeli warplanes also overflew the Nabatiyah area at low altitude.

At 0700 hours outlying areas of Majdal Zun and Mansuri in Tyre district came under Israeli artillery fire.

At 0800 hours Bayt Lif in Bint Jubayl district came under rocket fire. Five civilians were killed and ten others were wounded.

At 0845 hours outlying areas of Frun, Ghanduriyah, Qabrikha, Tulin, Sawwanah, Kafra and Yatar came under Israeli artillery fire.

At 0930 hours outlying areas of Jibal al-Butm and Zibqin in Tyre district came under Israeli artillery fire.

At 1045 hours Israeli warplanes attacked outlying areas of Kafra and Yatar in two waves, firing a number of air-to-surface missiles. A number of people were killed in the bombardment.

At 1245 hours outlying areas of Arabsalim, Jarju' and Jba', the Mlita and Jabal Safi hills and the Kafr Fila wadi came under Israeli artillery fire.

At 1310 hours Israeli warplanes attacked outlying areas of Zibqin in Tyre district.

24 November 1997

At 0600 hours Israeli helicopters overflew Mansuri and Majdal Zun. At the same time outlying areas of Mansuri, Majdal Zun, Hinniyah and Qulaylah came under artillery fire.

At 0930 hours Israeli warplanes overflew the Nabatiyah area at medium altitude carrying out mock attacks.

At 1215 hours Israeli warplanes attacked outlying areas of Zibqin.

At 2000 hours the abandoned Lebanese Army barracks in the outskirts of Nabatiyah al-Fawqa came under bursts of Israeli sniper fire.

25 November 1997

At 0900 hours Israeli warplanes overflew the Tyre area at low altitude.

At 0930 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

At 0945 hours outlying areas of Majdal Zun, Mansuri, Buyut al-Sayyid and Hinniyah came under Israeli artillery fire.

At 1450 hours the southern outskirts of Mashgharah and the vicinity of the vocational school came under Israeli artillery fire.

At 2145 hours outlying areas of Habbush and Kafr Rumman, parts of Nabatiyah al-Fawqa and the abandoned Lebanese Army barracks came under Israeli artillery fire in which shells of various calibres were used.

At 2250 hours the Israeli artillery bombardment of Nabatiyah, the Maslakh neighbourhood and the Marj Ayun road resumed.

27 November 1997

Between 0855 and 0910 hours Israeli warplanes overflew the Damur area in Shuf district and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

At 1300 hours outlying areas of Jba', Jarju', Ayn Bu Siwar and Humin al-Fawqa and the Ayn Bu Siwar - Jarju' road came under Israeli artillery fire. The road in question was cut for one half-hour. At 1445 hours Israeli warplanes carried out two successive attacks on the Mlita and Jabal Safi hills in the Iqlim al-Tuffah district.

28 November 1997

At 1030 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude and Nabatiyah at low altitude.

At 1700 hours outlying areas of Jba', Ayn Bu Siwar, Jarju' and Luwayzah, the Jba' - Kafr Fila wadi and the Mlita and Jabal Safi hills came under Israeli artillery fire. At 0830 hours Israeli warplanes also attacked the outskirts of Luwayzah firing air-to-surface missiles.

At 1855 hours Israeli warplanes attacked the Jabal Rashid heights and the vicinity of the Jabbur pool in the outskirts of Ayn al-Tinah in Western Bekaa district.

At 2215 hours outlying areas of Arabsalim, Jarju' and Luwayzah came under Israeli artillery fire. Some 20 shells of various calibres landed in the area.

29 November 1997

At 1230 hours outlying areas of Jba', Arabsalim, Jarju' and Luwayzah came under Israeli artillery fire.

At 1700 hours six artillery shells fired from Lahad militia positions fell in the wadi located between Jun and Sfariyah.

At 1730 hours outlying areas of Ayn Bu Siwar and Jba' came under Israeli artillery fire.

At 1835 hours Israeli warplanes overflew Sidon at low altitude and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

At 1845 hours Israeli warplanes overflew the Jiyah, Sa'diyat, Damur and Na'imah areas in Shuf district at low altitude and were met by ground-based anti-aircraft fire from units belonging to the Lebanese Army.

30 November 1997

At 2100 hours the vicinity of the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa came under artillery fire and bursts of sniper fire from Israeli positions in the border strip.

The Lebanese Government strongly condemns the continued Israeli occupation and these fresh attacks and arbitrary practices inflicted on the Lebanese population, which have left a number of casualties and have caused further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

UNITED
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General Assembly
Security Council

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GENERAL

A/52/738/Corr.1
S/1997/988/Corr.1
17 December 1997

ENGLISH ONLY

GENERAL ASSEMBLY
Fifty-second session
Agenda item 37
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Letter dated 16 December 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Corrigendum

Page 7, fourth paragraph, third line

For casualties read dead and wounded

97-37906 (E) 241297

UNITED NATIONS **S**

Security Council

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S/1997/989
19 December 1997
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

France, Germany, Italy, Japan, Portugal, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997 and 1107 (1997) of 16 May 1997,

Expressing its continued commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions of the Steering Board of the Peace Implementation Council held in Sintra on 30 May 1997 (S/1997/434, annex) and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997 (S/1997/979, annex),

Having considered the report of the Secretary-General of 10 December 1997 (S/1997/966), and taking note of his observations, in particular with regard to the International Police Task Force (IPTF),

Affirming its full support of the High Representative and his staff and his responsibility in implementing the civilian aspects of the Peace Agreement,

Commending the United Nations Mission in Bosnia and Herzegovina (UNMIBH), in particular the IPTF for its valuable work in such areas as police restructuring, training, weapons inspections and promoting freedom of movement, as well as its assistance in connection with the elections in Bosnia and Herzegovina,

Expressing its appreciation to the personnel of UNMIBH and commending the leadership and dedication of the Special Representative of the Secretary-General and the IPTF Commissioner in their efforts to support implementation of the Peace Agreement,

Noting that the presence of IPTF monitors is contingent on the existence of adequate security arrangements, which, at present, can only be secured by a credible international military force,

1. Decides to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the IPTF, for an additional period terminating on 21 June 1998, which will be renewed for a further period unless there are significant changes to the security arrangements as currently provided by the multinational stabilization force (SFOR), and decides also that the IPTF shall continue to be entrusted with the tasks set out in Annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012, annex) and of the Sintra and Bonn meetings and as agreed by the authorities in Bosnia and Herzegovina;

2. Expresses its support for the conclusions of the Bonn Peace Implementation Conference, and encourages the Secretary-General to pursue implementation of its relevant recommendations, in particular on the restructuring of the IPTF;

3. Requests the Secretary-General to keep the Council informed regularly about the work of the IPTF and in particular its progress in assisting the restructuring of law enforcement agencies; to report every three months on the implementation of its mandate of UNMIBH as a whole; and to include in his first report a description of action taken to implement recommendations of the Bonn Conference on restructuring the IPTF, particularly the creation of specialized IPTF units to train Bosnian police to address more effectively key public security issues;

4. Reaffirms that the successful implementation of the tasks of the IPTF rests on the quality, experience and professional skill of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

5. Urges also Member States to provide training, equipment and related assistance for local police forces in coordination with the IPTF, recognizing that resources are critical to the success of the police reform efforts of the IPTF;

6. Calls upon all concerned to ensure the closest possible coordination among the Office of the High Representative, the multinational stabilization force, UNMIBH and the relevant civilian organizations and agencies in order to ensure the successful implementation of the Peace Agreement and the priority objectives of the civilian consolidation plans, as well as the security of the IPTF;

7. Pays tribute to the victims of the 17 September 1997 helicopter crash in Bosnia and Herzegovina, including members of the Office of the High Representative, the IPTF and a bilateral assistance programme, for their sacrifice in advancing the peace process;

8. Decides to remain seized of the matter.

UNITED NATIONS **S**

Security Council

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S/1997/990
19 December 1997
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Belgium, France, Germany, Italy, Japan, Portugal, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja, and Western Sirmium of the Republic of Croatia (the Region),

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of the Region are integral parts of the Republic of Croatia,

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951), signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb community (the Basic Agreement), which promotes the mutual confidence, safety and security of all inhabitants in the Region,

Noting the termination of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998, as envisaged in its resolution 1079 (1996) of 15 November 1996 as well as in the Basic Agreement, and in accordance with its resolution 1120 (1997) of 14 July 1997, and expressing its deep appreciation to the Transitional Administrators for their leadership of the efforts of the United Nations in promoting peace, stability, and democracy in the Region, and to the civilian and military personnel of UNTAES for their dedication and achievement in facilitating the peaceful reintegration of the Region into the Republic of Croatia,

Emphasizing the continuing obligation, under the Basic Agreement and international conventions, of the Government of the Republic of Croatia to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the urgency and importance of the two-way return of all displaced persons in the Republic of Croatia,

Recalling the mandate of the Organization for Security and Cooperation in Europe (OSCE) of 26 June 1997 (S/1997/522, annex) providing for a continued and reinforced OSCE presence in the Republic of Croatia, with a focus on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of persons belonging to national minorities,

Welcoming the letter from the Foreign Minister of the Republic of Croatia to the Secretary-General of 6 November 1997 (S/1997/913), requesting a continued presence of United Nations civilian police monitors after the termination of the UNTAES mandate,

Welcoming also the report of the Secretary-General of 4 December 1997 (S/1997/953 and Addendum 1) and the recommendations contained therein, including his recommendation for the establishment of a support group of civilian police monitors,

Stressing that the Croatian authorities bear the main responsibility for the successful completion of the peaceful reintegration of the Region and the true reconciliation of the people,

1. Notes the termination of UNTAES on 15 January 1998, and expresses its continued full support for UNTAES as it completes its mandate;

2. Reiterates the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents regardless of ethnic origin, as well as its continuing obligations under international conventions and other agreements in this regard;

3. Underlines that it is the Government of the Republic of Croatia and the Croatian police and judicial authorities who bear full responsibility for the security and safeguarding of the civil rights of all residents of the Republic of Croatia, regardless of ethnicity;

4. Calls upon the Government of the Republic of Croatia to implement fully and promptly all of its obligations and commitments, including those reached with UNTAES, with regard to the Region;

5. Stresses the need for the Government of the Republic of Croatia to pursue the economic revitalization of the Region and notes, in this respect, the importance of past and future involvement by the international community;

6. Notes with approval the recent improved performance of the Government of the Republic of Croatia towards fulfilling its obligations, including the adoption of a comprehensive programme of national reconciliation, and encourages continued progress in this regard;

7. Reaffirms the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia, welcomes the fact that some progress has been made in the peaceful two-way return of displaced persons and the return of refugees in the Region, and calls upon the Government of the Republic of Croatia to remove legal

obstacles and other impediments to two-way returns, including through the resolution of property issues, the establishment of straightforward procedures for returns, the adequate funding of the Joint Council and all relevant activities of municipalities, the clarification and full implementation of the Amnesty Law, and other measures, as set out in the report of the Secretary-General;

8. Reminds the local Serb community of the continued importance of demonstrating a constructive attitude and participating actively in the process of reintegration and national reconciliation;

9. Stresses that the achievement of the long-term goals for the Region established by the Security Council depend upon the commitment of the Government of the Republic of Croatia to the permanent reintegration of its Serb citizens and upon the vigilant and active role of the international community and, in this regard, welcomes the key role of the OSCE;

10. Emphasizes the role of other international organizations and the United Nations specialized agencies, in particular the United Nations High Commissioner for Refugees, in the Republic of Croatia;

11. Reiterates its previous call to all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Former Yugoslavia, and recalls its encouragement by the increased cooperation of the Government of the Republic of Croatia with the Tribunal;

12. Urges the Republic of Croatia and the Federal Republic of Yugoslavia to pursue further normalization of their relations, especially in the areas of cross-border confidence-building measures, demilitarization and dual nationality;

13. Decides to establish, with effect from 16 January 1998, a support group of 180 civilian police monitors, for a single period of up to nine months as recommended by the Secretary-General, to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of the report of the Secretary-General and in response to the request by the Government of the Republic of Croatia;

14. Decides also that the support group will assume responsibility for those UNTAES personnel and United Nations-owned assets needed for its use in fulfilment of its mandate;

15. Requests the Secretary-General to keep it informed periodically and to report as necessary on the situation, and in any case no later than 15 June 1998;

16. Reminds the Government of the Republic of Croatia of its responsibility for the security and freedom of movement of all civilian police monitors and other international personnel, and requests that it provide all necessary support and assistance to the civilian police monitors;

17. Encourages liaison between the support group and the OSCE with a view to facilitating a smooth transition of responsibility to that organization;

18. Decides to remain seized of the matter.

UNITED
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Security Council

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S/1997/991
18 December 1997

ORIGINAL: ENGLISH

LETTER DATED 18 DECEMBER 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On 31 October 1997, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed a letter to the President of the Security Council (S/1997/845) enclosing the text of a message delivered to me on 28 October 1997 in which the Government of the United Kingdom invited representatives of the United Nations to visit Scotland and to study the Scottish judicial system.

After consulting with the Security Council, I decided to accept the United Kingdom's invitation. I requested Dr. Enoch Dumbutshena, former Chief Justice of Zimbabwe, and Professor Henry G. Schermers of Leiden University, the Netherlands, to undertake the visit as my representatives.

I am transmitting to you, and through you to the members of the Security Council for information, a copy of the report submitted by Dr. Dumbutshena and Professor Schermers on the Scottish judicial system (see annex).

(Signed) Kofi A. ANNAN

97-37373 (E) 191297

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Annex

Report submitted to the Secretary-General of the United Nations by Dr. Enoch Dumbutshena and Professor Henry G. Schermers on the Scottish Judicial System

I. Overall Review of the Scottish Judicial System

The supreme criminal court in Scotland is the High Court of Justiciary (the High Court) which sits in Edinburgh, Glasgow and other major towns and cities. There are 49 sheriff courts and a large number of district courts. The High Court has exclusive jurisdiction in certain serious crimes including murder, treason and rape. It also sits (in a court of at least 3 judges) as the Scottish Court of Criminal Appeal. There is no appeal from this court to the House of Lords.

The sheriff courts mainly deal with offences committed within their local area or the sheriff court district over which they have jurisdiction. In addition to its criminal jurisdiction, the sheriff court deals with most civil litigation.

There are 2 types of criminal procedure - solemn and summary. In solemn procedure in both the High Court and the Sheriff Court, trial is before a judge sitting with a jury of 15 laymen; and the alleged offence is set out in an indictment. The judge decides questions of law and the jury decide questions of fact and may reach a decision by a simple majority. In summary procedure in Sheriff and District Courts, the judge sits without a jury and decides questions of both fact and law. The offence charged is set out in a summary complaint.

The prosecution of crime in the Scottish courts is a public function, and proceedings are taken at the instance of the Lord Advocate or his local representative (the Procurator Fiscal) in each Sheriff Court District. In Scotland the police do not prosecute. The Civil Service Department, of which the Lord Advocate is the head and through which he discharges his responsibility for criminal prosecution, is the Crown Office, which is the administrative headquarters of the Procurator Fiscal Service.

Prosecutions are conducted in the High Court by the Lord Advocate, the Solicitor General for Scotland, or by Advocate Deputes, also known as Crown Counsel, of whom there are fourteen. In all other criminal courts the prosecutor is the Procurator Fiscal or, in busy areas, one of his deputes, all of whom are legally qualified.

The police report gives details of alleged crimes to the Procurator Fiscal who decides whether or not to prosecute. He may receive instructions from the Crown Counsel on behalf of the Lord Advocate. The Lord Advocate is answerable to Parliament.

II. The Pre-Trial Procedure

A. Investigation

Initial investigation is by the police, who are subject to direction by the Procurator Fiscal. The police are not allowed to interrogate an arrested person. If an arrested person wants to make a voluntary statement, he must do so by declaration made before the Sheriff or by a statement to police officers who are not involved in the case.

Once they have collected sufficient evidence, the police turn the case over to the Procurator Fiscal who builds the dossier, called the "precognition". The Procurator Fiscal is bound professionally to investigate any possible defence to the criminal charges and all evidence which is favourable to the accused and to include all such material in his precognition. With his recommendation, this is sent to the Crown Office in Edinburgh which decides whether to prosecute, and if so, where. The Crown Office, under the authority of the Lord Advocate, brings out the indictment. The indictment contains full details of the charges and a list of all witnesses who are to be called by the prosecutor and a list of all documents and other articles on which the prosecutor intends to rely. The defense then has the right to conduct its own inquires into the evidence including interrogating the prosecution witnesses and consulting the documents and articles.

B. Detention

Detention of the accused is possible only at the request of the Procurator Fiscal and the accused must be brought promptly before a court (Article 6 of the European Convention on Human Rights). According to the case law of the European Human Rights Institutions in Strasbourg, "promptly" means "as soon as possible" but in any case within four days. Under Scottish law, a suspect must be brought before the Sheriff Court on the next working day. Detention on remand is then ordered by the Sheriff Court.

Someone suspected of a serious crime in Lockerbie will first be brought before the Dumfries Sheriff Court. By that time, the police will have brought all evidence to the Procurator Fiscal. If he considers that detention on remand is required, the Procurator Fiscal will request the Sheriff Court to order such detention. The Sheriff has no discretion in a murder case; he must grant the detention. In other cases, he may grant bail. Furthermore, when a suspect is accused of murder, further proceedings must be in the High Court -- in this case, probably in Glasgow. The suspects would normally be detained in Barlinnie Prison, also in Glasgow. However, it is possible, but less likely, that the trial would be heard at the High Court in Edinburgh.

At all stages following the initial appearance of the accused before the Sheriff, the accused is detained in prison and has extensive rights to communication and consultation in private with legal advisers for the purpose of preparation of his defence. An accused person who has been fully committed cannot be detained for longer than 80 days unless an indictment is served on him during that period. He cannot be detained for longer than 110 days unless the trial of his case has commenced within that period. While it is open to the prosecutor to apply to the High Court for extension of the periods of 80 and 110 days, in practice such extensions are normally only granted to the prosecutor where some exceptional circumstance has arisen preventing the commencement of the trial or where the High Court has postponed trial to allow the defence time for preparation.

III. The Trial Proceedings

A. The High Court

The High Court sits throughout Scotland. While Edinburgh is the main seat of the High Court and of the Court of Appeal, Glasgow is the largest circuit within the system. The High Court in first instance is presided over by a judge sitting with a jury of 15 laymen. The Glasgow Court is found in a modern and efficient structure which was completed merely four months ago. In addition to two older courtrooms, it contains four identical courtrooms which can be fitted for interpretation, provide adequate accommodation to observers and have special entries and exits for the security of the accused. One of the courtrooms (Courtroom 3) can be completely isolated from the rest of the justiciary building and is particularly suited for special security arrangements. A viewing of the holding cells revealed high security arrangements, large and comfortably modern cells, and excellent meeting and interview facilities for consultations between the accused and their counsel.

B. The Jury

Jury selection in Scotland is entirely random. A computer program arbitrarily selects the pool of jurors from all eligible voters in the court's district. The actual jury is drawn from a list prepared by the Clerk of Court, an independent officer of the Court, from that pool. Parties to criminal proceedings may object, by giving reasons, to particular jurors and parties may by joint application excuse any juror without giving any reason. Persons with serious criminal records are disqualified for jury service and persons having certain occupations - such as lawyers - are ineligible for jury service. There is no formal system of jury vetting in Scotland, but a person who has personal knowledge of the facts of the case or who is closely connected with a party to the proceedings or a witness should not serve on a jury.

C. The Trial

Although some judges like to give a short explanatory talk to the jury, there will be no preliminary speeches on behalf of the prosecution or the defense. The trial will begin with an appearance in the witness box of the first prosecution witness who will be examined by the prosecution and then cross-examined by the defense. The judge may also ask questions to clear up any doubt. The same procedure will be followed for each witness. The prosecution's case is closed once all the witnesses whose evidence the jury is to consider have been called.

As there is no obligation on the part of the accused to prove innocence, the accused is not bound to present evidence. If evidence is presented, the same procedure will be adopted, except that the defense examines its own witnesses and the prosecutor cross-examines them.

Once all the evidence has been presented, the prosecutor and the defense have the right to make a speech to the jury to indicate the points they wish the jury to consider in reaching the verdict.

After the closing speeches of the prosecution and defense, it is the duty of the presiding judge to instruct the jury. In the course of the instruction, the judge may review the evidence but primarily the judge charges the jury that it is the master of the facts and it is its task to assess the credibility of the witnesses and the reliability of the evidence and which reasonable inferences to draw therefrom. The judge leaves all questions of fact entirely to the jury. The ultimate question before the jury is whether or not the prosecution has proved the guilt of the accused beyond a reasonable doubt.

The judge will however direct the jury upon the law applicable to the case. He will explain the principles of law which govern criminal trials. These include the following:

1. That every person who is accused of a crime is presumed to be innocent until proved guilty. The accused has the right to remain silent and no adverse conclusion may be drawn from his exercise of that right. The accused does not have to prove anything. The burden of proof rests entirely with the prosecution.

2. That the standard of the proof which the law demands is proof beyond a reasonable doubt. If at the end of the day, there is reasonable doubt as to guilt, the accused must be given the benefit of the doubt and cannot be found guilty.

3. That a person cannot be convicted of a crime on the evidence of a single witness, no matter how credible the witness may appear to be. The law requires guilt to be established by independent corroborated evidence.

4. That there are three verdicts open to the jury: guilty, not guilty and not proven. Not guilty and not proven are both verdicts of acquittal and they have the same effect that the accused cannot be tried again for that offence. A not proven verdict may be used by jurors who, although not convinced of the innocence of the accused, conclude that the prosecution has not met its burden of proof beyond a reasonable doubt. A guilty verdict can be unanimous or by a majority, but if the verdict on any charge is to be guilty, there must be at least 8 of the 15 jurors in favour of that verdict.

Once the judge has completed the charge, the jury will be invited to retire to the jury room to appoint a spokesperson and to consider its verdict. In this connection, juries are usually sequestered in complete isolation upon receiving their instructions to commence deliberations. Sequestration during the trial is possible but extremely difficult for extended periods of time. Nonetheless, overt and covert surveillance is available to ensure the safety and proper conduct of jurors during the proceedings.

IV. Post-Trial Procedures

A. Sentencing

The sentence on conviction of murder is fixed by law and is life imprisonment. The maximum sentence on conviction for conspiracy or contravention of the Aviation Security Act is life imprisonment. It is open to the trial judge to recommend a minimum period during which a person convicted of murder should not be released, but otherwise the eventual date of the release of the accused is determined by the Secretary of State for Scotland on the advice of the independent Parole Board for Scotland and following consultation with relevant judges.

B. Imprisonment

If convicted, the accused will probably serve their sentence in a special holding facility of the Barlinnie Prison in Glasgow. All aspects of the prison facilities, cells, rules and regulations meet the provisions of international law, in particular the European Convention on Human Rights.

C. Appeals

A person who has been convicted on indictment may appeal against conviction and, where the sentence is not fixed by law, against sentence to the High Court sitting as the Court of Criminal Appeal, which has power to set aside the verdict of the Jury and quash the conviction, substitute an amended verdict of guilty or grant authority to bring a new prosecution (ie. for a re-trial) if it is satisfied that there has been a miscarriage of justice. Appeal is subject to leave being granted by a single judge (not the trial judge) who must grant leave to appeal if he considers that the documents, including the note of appeal, disclose arguable grounds of appeal. If the single judge refuses leave, he must give written reasons and the accused may apply to three judges for leave to appeal and they will require to apply

the same test. There is no oral hearing in relation to leave to appeal, which is dealt with on consideration of papers. The Crown is not entitled to make submissions on the question of leave to appeal and the Crown is not entitled to appeal against an acquittal, although the Lord Advocate can appeal against sentence on the ground that it is unduly lenient. At all stages of any appeal procedure, the accused is entitled to be legally represented.

If leave to appeal is granted, the appeal is argued orally before three judges of the High Court of Justiciary, although a larger Court can be convened if it is necessary to review previous decisions of the Court. The decision of the High Court sitting as Court of Criminal Appeal is final and cannot be appealed to any other court, although it is open to the Secretary of State, if he thinks fit, to refer a case to the Court of Criminal Appeal, whether or not there has already been an appeal and it will be treated as a new appeal. The Secretary of State's power to refer cases to the Court is to be conferred on an independent body, the Scottish Criminal Cases Review Commission, which is to be established under the Crime and Punishment (Scotland) Act 1997 and which will have the power to investigate possible miscarriages of justice.

The rule is that, if there had been a miscarriage of justice, the Court of Criminal Appeal would quash the conviction. The Court of Criminal Appeal may authorize a retrial.

V. International Obligations of the United Kingdom

The Scottish courts have repeatedly asserted the fundamental requirement of fairness in the treatment of alleged offenders. The United Kingdom is party to the European Convention on Human Rights and Fundamental Freedoms and the United Nations Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment. It is open to an accused person to complain to the European Commission on Human Rights about any violation of his human rights.

VI. United Nations and other International Observers

The Scottish Court authorities will make provision within the Court facility where the accused are to be tried to accommodate UN observers and a reasonable number of international observers chosen by the accused and/or the Libyan authorities and to provide office space for such observers together with all the usual office facilities, including telephone and fax connections.

All of the evidence heard at the trial will be heard in public and any international observers will be able to be present throughout the trial. Additional physical security, as for example toughened glass screens for the security of the accused, will be provided as necessary in the light of threat assessment. If the observers are not able to follow the proceedings, which would be conducted in English, provision can be made for the availability of simultaneous translation into their language or dialect, as it will be for the accused and any foreign professional representatives. Television in court is permitted only if all parties (i.e., the judge, the prosecution, the defense, the witnesses, and the jury) agree.

In prison, access to lawyers, consular agents and United Nations and international observers would not be restricted, subject to the general prison routine (meal arrangements etc). Normally, a prisoner may have daily visits of half an hour except on Sundays. All visitors to the accused would be subject to strict security procedures prior to admission to the prison. Visits of counsel and consul are normally outside the hearing of any prison staff. The accused may not be permitted to associate with other prisoners for reasons of security and safety.

While serving sentence or awaiting appeal the same regime broadly applies, although additional visits can be granted and consular visits would not be restricted. Again, visits by United Nations and international observers would not be restricted, subject to the prison routine and the prisoners' right to refuse to see them.

VII. Attendant Factors

A. Civil Litigation

Civil litigation may arise in the event of a not guilty verdict. In the event of a not guilty verdict, the accused would be free to leave the jurisdiction. Furthermore, under Scottish law, the accused could not be imprisoned for debt or failure to pay any damages ordered by the civil court.

Civil and criminal proceedings in Scotland are quite distinct and no order for compensation can be made in criminal proceedings in respect of a death. The pursuit of any civil action is a matter for those pursuing a claim and would not involve the Government.

Questions relating to the making and enforcement of any award of damages would be a matter entirely for civil proceedings and would not involve the criminal justice or penal system. Civil imprisonment does not apply to any civil proceedings which might arise from the Lockerbie case. Any findings in a civil case (including findings in fault) would not be relevant in criminal proceedings.

B. Prejudicial Publicity and the Contempt of Court

Accused persons come under the protection of the courts at all times. It has been stated on the highest authority that the system of criminal justice in Scotland depends essentially upon the proposition that jurors called to try an accused person should arrive in the jury box without knowledge or impressions of facts, or alleged facts, relating to the crime charged. It has also been emphasised by the High Court that it is undesirable for evidence gathered by the police to be put into the public domain by the criminal authorities prior to the trial of the case. While proceedings are active within the meaning of the Contempt of Court Act 1981, the publication of material which creates a substantial risk that the course of justice in the proceedings in

question will be seriously impeded or prejudiced may constitute contempt of court, regardless of the intention of the publisher, and may be punished as contempt of court by the High Court of Justiciary.

Proceedings are active for the purposes of the Contempt of Court Act 1981 for a period of 12 months, beginning with the date of the grant of an arrest warrant and, although they cease to be active unless the accused is arrested during that period, they become active again when he is arrested and remain active until the conclusion of the proceedings. The prosecutor or the accused may bring any apparently offending publication to the attention of the High Court and the trial judge may act ex proprio motu in respect of contempt of court by punishing the contempt and prohibiting publication of material held to be in contempt. In practice, the Scottish Courts go to considerable lengths to deal with and restrain prejudicial media reporting during criminal proceedings and in particular during criminal trials. Further, an accused person may, in advance of trial, ask the High Court to hold that it would be oppressive for him to stand trial on any charge on the ground that his right to have a fair trial has been prejudiced by pre-trial publicity. If the Court so decides, the accused would not stand trial.

VIII. Courts and Prison Facilities and Conditions[a/]

A. Dumfries Police Station

The Dumfries Police Station has recently been modernized and expanded. Prisoners are kept in cells measuring 2 x 3 meters without furniture other than a mattress. There are showers available but no long term facilities such as a TV room or an exercise area. The cells are meant for keeping persons only for a short period-- one night or a weekend. For that purpose, they are adequate.

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a/ Appendix II contains measurements and floor plans.

B. Dumfries Sheriff Court

In the Dumfries Sheriff Court, there is a cell area for keeping detainees during court session. The cells are small, measuring about 1.5 x 2 meters, and are adequate for short periods of time-- a few hours at the most.

C. HM Barlinnie Prison [b/]

HM Barlinnie Prison has a separate unit for detainees who present a high security risk-- the Special Holding Facility. The unit is in the inside of the prison and is well protected against intruders and escapees. The unit has two floors separated by a staircase and locked doors. On one floor there are 5 cells measuring 3.65 x 2.30 meters equipped with a bed a small desk and a chair and connected to a toilet room measuring 1.6 x 1.2 meters and equipped with a toilet and sink. The cells are on a corridor from which there is access to showers, a small kitchen, and a larger common room, measuring 4.5 x 3.65 meters, which at the moment is empty but which would be equipped with a TV set, tables, chairs, newspapers, etc. At both ends, the corridor has locked doors, one leading to the prison hospital and the other to the exit.

The other floor contains a special room where detainees can speak to their counsel or consul who have unlimited access or to their family, friends and observers who have access of 30 minutes except on Sundays. Visitors are separated from the detainees by a glass wall through which speech is communicated by microphones and loudspeakers. Detainees may send one letter a day at prison expense and receive an unlimited number of letters. Some newspapers are freely made available; others may be ordered through the prison staff.

Free English lessons are offered to foreign prisoners. Complaints can be brought to an independent complaints

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b/ Pending and during trial, the accused will probably be detained in HM Barlinnie Prison. If convicted, they will probably also serve their sentence there.

commissioner (the prison ombudsman) who can make recommendations to the authorities. At least every other week, a member of the Visiting Committee will come to the prison. This Committee is composed of elected councillors from local government. Complaints may also be brought to the Visiting Committee. Prisoners also have access to court if they want to bring legal action against the prison or against persons in the prison.

We were told that United Nations security guards could be technically permitted as observers.

HM Barlinnie Prison holds about 1200 prisoners of whom 300-350 are on remand.

We only visited the Special Holding Facility which at the moment did not contain any prisoners. This Facility meets the highest standards one may expect of a prison.

D. High Court of Justiciary in Glasgow

The court and cell facilities in Glasgow are excellent. The building is modern and equipped with extensive security facilities. In particular, Courtroom 3 is designed for high security trials and is capable of complete isolation from the rest of the justiciary building. The glass separating the accused from the public gallery could be replaced by higher glasses. The public gallery holds 120 seats. There are special entries and exits for the safe custody of the accused. Holding cells have sophisticated security arrangements and large, modern cells and interview facilities for consultations between the accused and their counsel.

Live televising of trials is not permitted. Television filming in court for later broadcast may be permitted only if the judge, the prosecutor, the defense, the witnesses, and, if they are to be filmed, the jury agree. If there are compelling alternative arguments, the judge will refuse television. There is a closed circuit television to a separate room which could be used in case witnesses cannot be heard in court for security reasons.

Witnesses are received in one of four separate witness rooms each holding fourteen seats. The witness rooms are without windows in the inside of the building. They are connected by corridors in which there are separate toilets.

E. High Court of Justiciary in Edinburgh

The High Court of Justiciary might also try the case in Edinburgh. Court facilities there are also newly renovated. There is a courtroom with all modern facilities, holding 100 seats in the public gallery. It is, however, not possible to separate this courtroom fully from the other parts of the building. Therefore, the whole building should be reserved for a trial with high security risks. Furthermore, the building is surrounded by busy roads. For these reasons, the court in Glasgow seems to be the most appropriate for trial.

IX. Conclusions

Based on the foregoing, we conclude that the accused would receive a fair trial under the Scottish judicial system. Their rights during the pre-trial, trial and post-trial proceedings would be protected in accordance with international standards. The presence of United Nations and other international observers can be fully and easily accommodated. A trial by jury would not prejudice the accused's right to a free trial. If, however, the accused could reasonably establish that their right to a free trial would be prejudiced by a jury trial, we suggest that the idea of dispensing with the jury be pursued with the Government of the United Kingdom.

Respectfully submitted,

Dr. Enoch Dumbutshena

Professor Henry G. Schermers

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Appendix I

NAMES AND PLACES

NAMES

The Right Honourable Robin Cook MP,
Secretary of State of Foreign and Commonwealth Affairs

The Right Honourable Lord Hardie QC,
The Lord Advocate

The Honourable Lord Sutherland,
Senator of the College of Justice

The Right Honourable Lord McCluskey
Senator of the College of Justice

Sir Franklin Berman QC
The Legal Adviser, Foreign and Commonwealth Office

Mr. John de Fonblanque, Director, Global Issues

Mr. Norman McFadyen, Deputy Crown Agent

Mr. Mike Ewart, Chief Executive, Scottish Court Service

Mr. Tom Fyffe, Deputy Principal Clerk of Justiciary

Mr. John Atkinson, Project Sponsor, Scottish Court Service

Mr. John Durno, Director of Custody, Scottish Prison Service

Mr. Roger Houchin, Governor, Scottish Prison Service

Mr. Alistair D. Campbell, QC, Home Advocate Depute

Mr. Colin J.M. Sutherland, QC, Treasurer, Faculty of Advocates

Mr. John Dunne, Principal Depute Procurator Fiscal

PLACES

The Foreign and Commonwealth Office in London
The Lord Advocate's Department in London
The Dumfries Police Station
The Dumfries Sheriff Court
The High Court of Justiciary in Glasgow
The High Court of Justiciary in Edinburgh
The Scottish Office in Glasgow
Parliament House in Edinburgh
HM Barlinnie Prison

Appendix II

FLOOR PLANS AND MEASUREMENTS

A. Dumfries Sheriff Court

B. Special Holding Facility in HM Barlinnie Prison [a/]

C. High Court of Justiciary in Glasgow

D. Holding Cells of the High Court of Justiciary in Glasgow

E. High Court of Justiciary in Edinburgh

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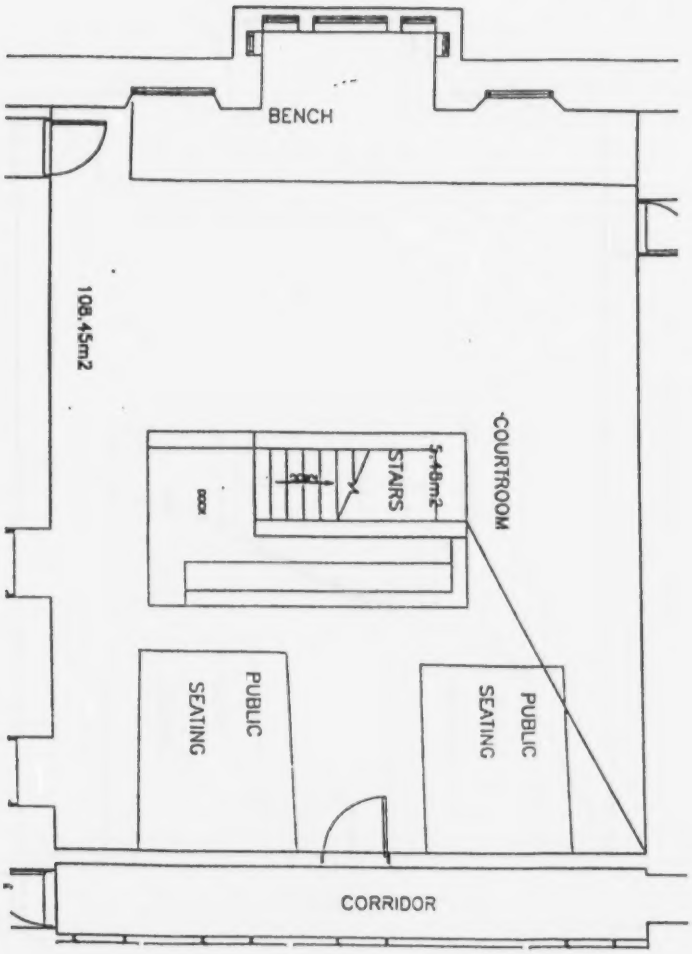
a/ For security purposes, the Scottish prison authorities could not distribute plans of the Special Holding Facility at HM Barlinnie Prison.

A. Dumfries Sheriff Court



Courtroom Dumfries - Scale 100:1

Overall dimensions	Length	12.9m
	Width	9.2m
Well of Court - Bench to Bar	Length	4m
	Width	9.2m
Public Area	Length	3.8m
	Width	9.2m

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B. Special Holding Facility in HM Barlinnie Prison

SPECIAL HOLDING FACILITY

Resume' of Accommodation

The accommodation which was refurbished approximately six years ago comprises the following:

Ground Floor

Entry into the unit is via a vestibule area from which access is gained to the first floor into a central corridor off which is a fully equipped kitchen area of approximately 3.65 metres x 3.55 metres.

There is a room of approximately 4.50 metres x 3.65 metres. which will be used for visiting purposes. In addition there are male and female toilets and a cleaner store.

First floor

There are 5 cells which are approximately 3.65 metres x 2.30 metres with a ceiling height of 2.5 metres off which there is an en suite toilet area containing a water closet and a wash hand basin with hot and cold water. The toilet area is approximately 1.60 metres x 1.20 metres.

There are two day rooms, one approximately 3.65 metres x 3.55 metres and one approximately 3.65 metres x 5.20 metres. Each have en suite facilities containing water closet and wash hand basins with hot and cold water. The en suite facilities are approximately 1.60 metres x 1.20 metres.

On this level there is a fully fitted kitchen, approximately 3.65 metres x 2.40 metres.

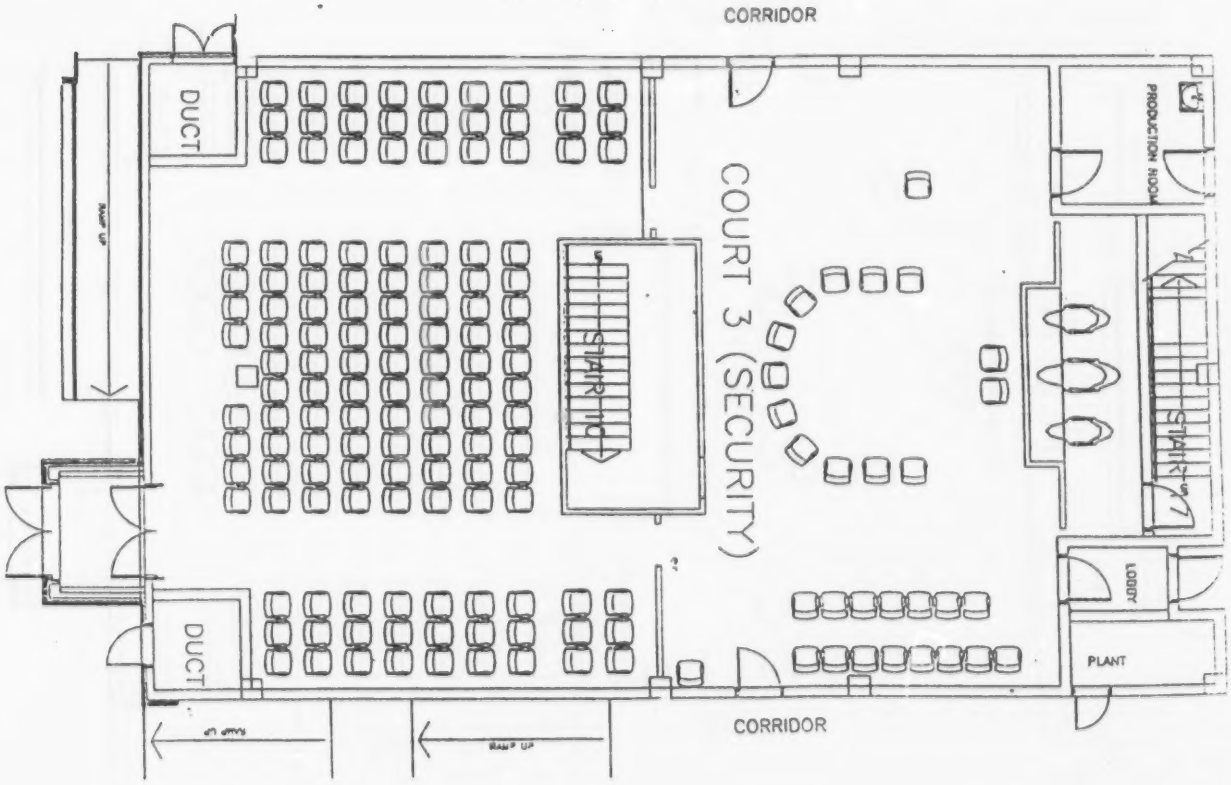
There is also a shower room approximately 2.30 metres x 1.20 metres. In addition there are other miscellaneous rooms, general storage areas and an office area.

C. High Court of Justiciary in Glasgow

Overall dimensions	Length 18.6m Width 12m
Well of Court - Bench to Bar	Length 7.5m Width 12m
Public Area	Length 9.3m Width 12m

Seating Capacities

Judges	3
Clerk of Court	2
Legal Representatives	18
Jurors	15
Accused Persons	5
Public	120
Press	6
Social Workers	6



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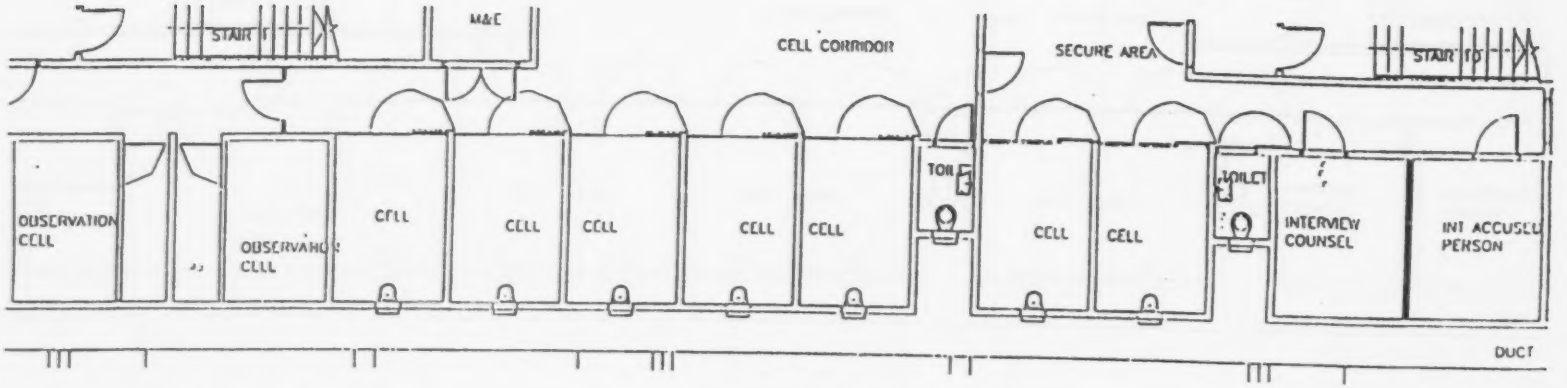
D. Holding Cells of the High Court of Justiciary in Glasgow



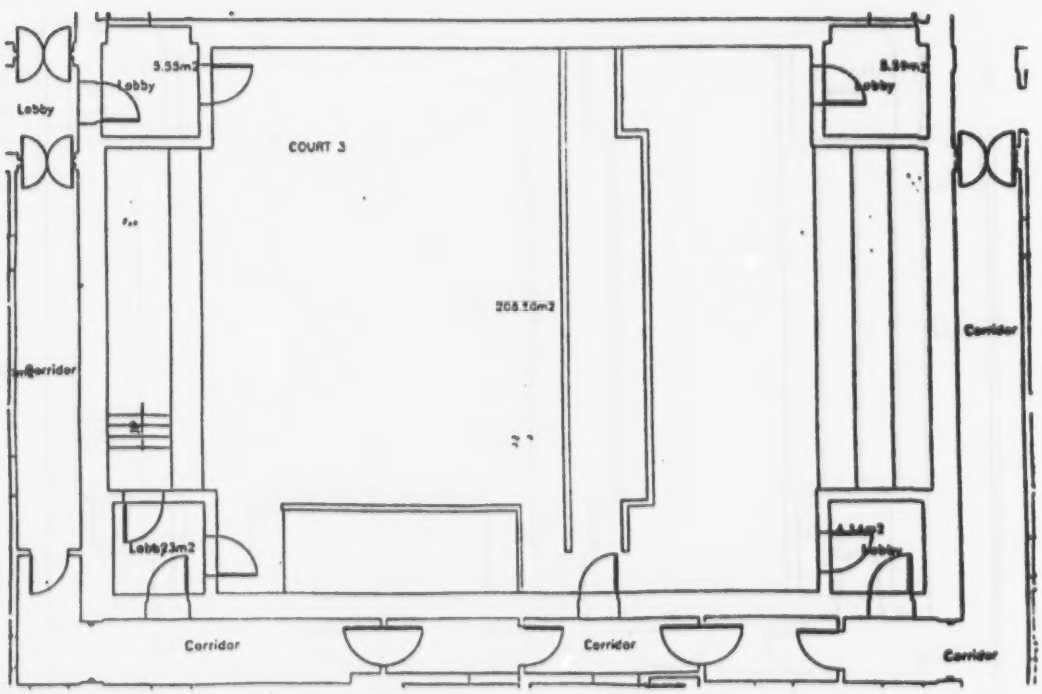
Cell dimensions Length 3.2m
Width 2.2m

E. High Court of Justiciary in Edinburgh

Overall dimensions	length	18.4m
	width	12.6m
Well of Court Bench to Bar	length	8.0m
	width	12.6m
Public Area	length	6.1m
	width	12.6m
	reducing to	7.9m

Seating Capacities

Judge	5
Clerk of Court	2
Jurors	15
Legal Representatives	63
Accused	20
Public	100
Press	6
Social Workers	6



UNITED
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Security Council

Distr.
GENERAL

S/1997/992
18 December 1997

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 DECEMBER 1997 FROM THE PERMANENT MISSION OF UKRAINE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note dated 16 October 1997 regarding the situation in Sierra Leone, has the honour to inform him of the following.

Pursuant to paragraph 5 of Security Council resolution 1132 (1997), adopted on 8 October 1997, the Cabinet of Ministers of Ukraine, by its resolution of 14 November 1997, has taken a decision not to grant visas to members of the military junta and adult members of their families in accordance with the list of persons whose entry or transit is to be prevented, which should be prepared by the Sanctions Committee established by the same Security Council resolution (paragraph 10 (f)).

The Cabinet of Ministers of Ukraine has also decided, in accordance with paragraph 6 of Security Council resolution 1132 (1997), to impose an embargo on the sale or supply to Sierra Leone by its nationals or from its territory, or using its flag vessels or aircraft, of petroleum and petroleum products and arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in its territory.

97-37403 (E) 181297

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/993
19 December 1997

ORIGINAL: ENGLISH

NOTE VERBALE DATED 16 DECEMBER 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THAILAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Chargé d'affaires a.i. of the Permanent Mission of Thailand to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to Security Council resolution 1132 (1997) of 8 October 1997, has the honour to inform him that the Government of Thailand has instructed Thai authorities concerned to comply with the provisions of the said resolution.

Thailand shall prevent entry into or transit through Thailand of members of the Sierra Leone military junta and adult members of their families as soon as the list of such members has been received from the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

97-37569 (E) 191297

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/994
19 December 1997

ORIGINAL: ENGLISH

LETTER DATED 12 DECEMBER 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the situation in the Great Lakes region and Central Africa, and to the need to adjust the United Nations political presence in that region to the new environment brought about by the momentous changes that have taken place there since the beginning of the year.

As you know, the United Nations contribution to the regional mediation concerning Burundi and to the international peace initiatives which accompanied the changes of regime in the Democratic Republic of the Congo and the Republic of the Congo has been largely carried out by Mr. Mohammed Sahnoun, in his capacity as Joint United Nations/Organization of African Unity Special Representative for the Great Lakes Region of Africa. His mandate was outlined in my letter of 22 January 1997 to your predecessor (S/1997/73) and endorsed by the members of the Security Council (S/1997/74).

I wish now to seek the Council's concurrence with a new mandate for Mr. Sahnoun in Africa, as well as for a new political and humanitarian presence for the United Nations in the Great Lakes region, in the person of my former Special Envoy for Sierra Leone, Mr. Berhanu Dinka.

As my Special Envoy in Africa, Mr. Sahnoun will continue to follow closely developments in Central Africa, including the Great Lakes region. He will also lend his support to existing peacemaking and peace-building initiatives there, and give special attention to Burundi. In addition, he will be available for preventive and other missions that I may ask him to undertake in other regions of Africa as needed. Mr. Sahnoun will operate on an as and when employed basis. I estimate the cost of his mission as my Special Envoy in Africa at US$ 890,000 for the biennium 1998-1999.

Mr. Sahnoun could not have carried out his difficult assignments over the last 11 months without the generosity of those Governments who have made funds available for his mission through the Special Fund set up in support of his efforts. To those Governments, I wish to express here my deep gratitude.

As for Mr. Dinka, he will serve as my Representative and Regional Humanitarian Adviser for the Great Lakes Region.

In his capacity as my Representative, Mr. Dinka will represent me in meetings held in the region, monitor developments and their implications for peace and regional security, and seek to contribute to regional efforts in the prevention or peaceful settlement of conflicts. With specific regard to Burundi, he will oversee the political activities of the United Nations in that country, and support ongoing political initiatives for Burundi both inside and outside the country. In carrying out the above functions, Mr. Dinka will consult my Special Envoy in Africa as required.

In his capacity as Regional Humanitarian Adviser, Mr. Dinka will represent the Emergency Relief Coordinator in the Great Lakes region, facilitate the coordination of humanitarian assistance, support the Resident Coordinators, Humanitarian Coordinators and agency heads, and coordinate resource mobilization efforts at the regional level.

He will set up an office in Nairobi with a complement of three Professionals, two internationally recruited General Service staff, one Security Officer, and three locally recruited staff. The total estimated cost of the Office of the Representative of the Secretary-General and Regional Humanitarian Adviser for the Great Lakes Region is approximately US$ 3 million for the biennium 1998-1999.

(Signed) Kofi A. ANNAN

UNITED
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Security Council

Distr.
GENERAL

S/1997/995
19 December 1997

ORIGINAL: ENGLISH

LETTER DATED 19 DECEMBER 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 12 December 1997 (S/1997/994) regarding your proposals for new mandates to Ambassador Mohammed Sahnoun as your Special Envoy in Africa, and to Mr. Berhanu Dinka, as your Representative and Regional Humanitarian Adviser for the Great Lakes Region, has been brought to the attention of the members of the Security Council. They support the proposals contained in your letter, and look forward to being kept closely informed of their work.

The members of the Council note that Ambassador Sahnoun will operate on an as and when employed basis and within the budget stipulated in your letter. They also take this opportunity to join you in expressing deep gratitude to those Governments that made funds available for Mr. Sahnoun's mission over the last 11 months through the Special Fund set up in support of his efforts.

(Signed) Fernando BERROCAL SOTO
President of the Security Council

97-37581 (E) 191297

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/996
22 December 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the letter dated 17 December 1997 from the Executive Chairman of the Special Commission addressed to the President of the Security Council (S/1997/987), to which was attached his report on his visit to Baghdad from 12 to 16 December 1997, I have the honour to transmit to you herewith the comments of the Iraqi side on the progress made during that visit as well as on the shortcomings and inaccuracies found in the above-mentioned report as regards the positions of the Iraqi side. The attached comments also contain observations on the summary given by the Executive Chairman of the Special Commission during the Council's consultations held on 18 December 1997.

I should be grateful if you would have the text of this letter and its annex containing the observations of the Iraqi side circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-37724 (E) 221297 221297

/...

Annex

[Original: English]

Comments on the report of the Executive Chairman of the Special Commission

I

The discussion in Baghdad focused primarily on the issues raised in the letter of the Executive Chairman of 27 October 1997. The discussion in Baghdad achieved the following:

1. It was agreed to organize technical evaluation meetings on the issues of priority contained in the above-mentioned letter:

- In the missile area, the issue of the warheads;

- In the chemical area, the issue of the VX and the mustard shells;

- In the biology area, the entire programme will be subject of the discussion.

2. Improving the modalities of the inspection of the sensitive sites.

3. On the issue of access, the Iraqi side provided clarification sought by the Special Commission on the matter.

The report, however, from Iraq's point of view, contains inaccuracies and incomplete descriptions of Iraq's position regarding certain issues raised during the discussion, as follows:

On the issue of access, the Executive Chairman indicated in paragraph 9: "Presidential and sovereign sites ... were not clearly defined, except that it was stated that they were areas associated with the Presidency and were well known." What we stated was the following: They were sites of clearly defined locations and clearly defined boundaries.

In paragraph 12, the Executive Chairman added the phrase "except for the most secret rooms therein". This was not mentioned by the Iraqi side. However, what was mentioned during the discussion was a reference to a specific instance which occurred during the third inspection of the Iraqi Intelligence Service headquarters when Mr. Scott Ritter in June 1997 wanted access to the room containing the record of the intelligence officers.

On the civilian sites, we did not say we don't have legal authority; what we have said was that the citizen may or may not allow entry to his private residence and we will not impose that on him, which precludes the possibility from a practical point of view of granting immediate access. On the same issue of private residence, the Executive Chairman did not make the reservation stated in paragraph 23 that Iraq lacked domestic authority over such sites. The record

shows that he indicated that this was a point connected with the citizen's rights.

At the end of paragraph 28, the Executive Chairman reported that "the Deputy Prime Minister agreed to this approach"; the record shows that the Deputy Prime Minister took note of the approach.

In the technical discussion part of the report, the statement made in paragraph 31 that "Iraq would not itself volunteer any new information" is incorrect. Iraq expressed its wish to present its own dossier, but at the moment it has no new information regarding these issues to be discussed at the technical evaluation meetings.

As for the remark that "it preferred a situation where it would verify the information held by the Commission", this remark was never made by Iraq.

As for paragraph 33, it starts with a basic misrepresentation of Iraq's basic position that Iraq "declined the Commission's invitation to develop, together, an additional joint programme of work ...". The Commission technical team presented a set of questions and made references to questions submitted previously and suggested that they be included as the subjects of the joint programme of action. Iraq pointed out that there was nothing new in those questions and that the information requested had been supplied before and most of those questions were of secondary importance and were unrelated to the priorities of the joint programme of action subjects of the technical evaluation meetings. Iraq added that the answers to those questions would be made expeditiously in the normal course of work between the two sides.

As for the last sentence that Iraq "would not itself take part in the articulation of a specific programme of intensive work", this is far from the truth. Iraq very much wanted to take part in the articulation of a specific programme of intensive work as stipulated in the Executive Chairman's letter dated 27 October 1997.

As regards paragraph 38, we would like to point out that Iraq on its part will present its own dossier to the technical evaluation meetings through UNSCOM.

Our understanding is that the findings of the technical evaluation meetings would be submitted to the Executive Chairman, who would make his judgement regarding the findings.

The meeting was fully recorded for future reference to both sides and to the Security Council.

II

We would like to make the following observations regarding some of the points presented by the Executive Chairman to the Security Council on 18 December 1997:

(a) Iraq's TV did not broadcast the videotapes of the meetings. Only authorized segments of a few seconds without sound were shown on Iraq's TV;

(b) The reference made by the Executive Chairman that the Deputy Prime Minister had indicated that the number of the presidential and sovereign sites is five is inaccurate. The Deputy Prime Minister informed the Executive Chairman during a tête-à-tête meeting that presidential sites are located in a number of governorates such as Baghdad, Tikrit, Basra, etc., but not in every part of Iraq, as was suggested by some sources;

(c) The clarification we made during the discussion was that the presidential and sovereign sites include the presidential sites and the headquarters of the ministries only, and no reference was made to "others".